

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION**

APEX COLORS, INC.,	)	
Plaintiff,	)	
	)	
v.	)	Case No. 2:14-CV-273-PRC
	)	
CHEMWORLD INTERNATIONAL LTD.,	)	
INC., et al.,	)	
Defendants,	)	
	)	
<hr style="width:45%; margin-left:0;"/>		
APEX COLORS, INC.,	)	
Plaintiff,	)	
	)	
v.	)	
	)	
PAUL BYKOWSKI,	)	
Defendant.	)	

**OPINION AND ORDER**

This matter is before the Court on Paul Bykowski’s Motion for Leave to File Third Party Complaint Against Jim Boggess and Eric Boggess [DE 400], filed on September 18, 2016. Plaintiff does not object as long as there is sufficient time to complete responsive briefing and discovery. By separate order, the Court is extending the discovery deadline to March 31, 2017.

On September 13, 2016, Plaintiff filed a Second Amended Consolidated Complaint, identifying certain property allegedly misappropriated by Bykowski from Plaintiff upon the dissolution of Finos, LLC. On March 16, 2015, Bykowski deposed Christopher Molnar. Based on Molnar’s testimony, it appears that some of that property is in the possession of Jim Boggess and Eric Boggess. Bykowski also asserts that Jim and Eric Boggess conspired to destroy the business of Finos and make Bykowski the scapegoat.

Federal Rule of Civil Procedure 14 provides, “A defending party may, as third-party

plaintiff, serve a summons and complaint on a nonparty who is or may be liable to it for all or part of the claim against it.” Fed. R. Civ. P. 14(a)(1). In the instant motion, Bykowski seeks leave of Court to file a Third-Party Complaint asserting claims against Jim Boggess and Eric Boggess because, in the event a jury concludes that Bykowski is liable for damages for theft, misappropriation, or other possession of Plaintiff’s property, Jim and Eric Boggess are or may be liable to Bykowski.

On review of the instant motion and noting the lack of objection, the Court hereby **GRANTS** Paul Bykowski’s Motion for Leave to File Third Party Complaint Against Jim Boggess and Eric Boggess [DE 400] and **ORDERS** Bykowski to **FILE** the Third-Party Complaint on or before **September 29, 2016**.

SO ORDERED this 26th day of September, 2016.

s/ Paul R. Cherry  
MAGISTRATE JUDGE PAUL R. CHERRY  
UNITED STATES DISTRICT COURT